IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 6047 of 2007(T)

PETITIONER:

JAMEELA, W/O. DR.ABOOBACKER,
AGED 59 YEARS, JAMEELA MANZIL, KOODAPUZHA,
CHALAKUDY, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHYUTHI BHAVAN,
TRIVANDRUM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B., T.C.SUB DIVISION, IRINJALAKUDA,
THRISSUR DISTRICT.

3. THE ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 6047 OF 2007-T

JUDGMENT

The petitioner has approached this Court, challenging Ext.P3 order of the 3rd respondent A.D.M., permitting drawal of a 33 K.V line over her property. Because of the unfortunate presence of an electricity Sub Station, 4 High Tension lines are already drawn through her property. This is the 5th line that is sought to be drawn, it is submitted. The learned counsel for the KSEB points out that this is the 4th line that is being drawn and not the 5th line, as submitted by the petitioner. If the said line is drawn through the present approved route, it will be passing over her out-house. So, the petitioner challenges Ext.P3. Alternatively, it is submitted on her behalf that the KSEB may be directed to draw the line, giving some additional clearance over this out-house, so that she may not be seriously prejudiced by the drawal of the new line.

2. The learned standing counsel, upon instructions, submitted that as per Rule 80 of the Indian Electricity Rules, 1956 the minimum clearance from the top of a building provided is 3.7 metres. In this case, the line is drawn with a clearance of 10 metres from the ground level. The height of

the building is only 3.9 metres. So, there will be a clearance of 6.1 metres from the top of the building, which is almost double the mandatory statutory clearance, it is submitted.

3. The line has been permitted to be drawn, on finding that it is the most feasible route. The said finding of the A.D.M cannot be disturbed by this Court under Article 226 of the Constitution of India. The submission made by the learned standing counsel regarding the clearance will substantially redress the grievance of the petitioner. While drawing the line, the 3rd respondent may consider whether any further clearance could be given without doing violence to the technical feasibility of the line drawn. Needless to say, if the petitioner has suffered any damages by the drawal of the line, her right to claim compensation will not be affected by this judgment.

The Writ Petition is disposed of as above.

9th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/